

RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW HUMBERTO VELA, JR., Debtor herein, and files this his Motion for Sanctions for Violation of Automatic Stay, and in support thereof would state to this Court as follows:

BACKGROUND

1. Debtor initiated this case by filing a voluntary chapter 11 petition for relief on February 17, 2015.
2. Applicant remains in possession of his assets as Debtor-in-possession, pursuant to 11 U.S.C. §§ 1101(1) and 1107, and 1108.
3. Debtor is an individual in the business of operating a home health service business as a sole proprietor.
4. Included among his assets were several bank accounts for personal and his business activities.
5. The bank accounts Debtor used for his business activities were held in various accounts at a branch of Bank of America in Laredo, Texas.

6. One of the bank accounts used by Debtor for his personal affairs was held at a Compass Bank branch in Laredo, Texas under account number 0005128811.
7. All accounts were subject to a Writ of Garnishment After Judgment issued on February 12, 2015. A copy of said Writ is attached hereto as Exhibit "A" and is incorporated herein for all purposes.
8. The banks honored the Writ of Garnishment After Judgment but before the funds were forwarded to the judgment creditor, Debtor filed his chapter 11 petition for relief and the funds were not released.
9. Shortly after the petition for relief was filed Bank of America released the Debtor's funds held in the Debtor's various accounts.
10. Notwithstanding several written communications with the attorney representing judgment creditor, and other attorneys ostensibly retained by judgment creditor to respond to the undersigned's various demands that the funds be released, judgment creditor, by and through her various counsel, has refused to permit Compass Bank to release its hold on Debtor's funds.

RELIEF REQUESTED

11. Notwithstanding several demands that the funds currently maintained in Compass Bank be released immediately, the Bank has continued to refuse to release said funds belonging to Debtor.
12. By continuing to refuse that the "hold" on said funds held by Compass Bank be dissolved, the judgment creditor is demonstrating, and continues to demonstrate, contumacious behavior.

13. Debtor would allege that said behavior is in direct violation of the automatic stay.
14. Debtor would request that this Court hold in contempt Norma Idalia Carrillo and any party alleged by her to be responsible for the continuing violation of the automatic stay.
15. Further, Debtor would request that Compass Bank be directed by the judgment creditor that the hold on Debtor's funds be released immediately and made available to Debtor.
16. Debtor also would respectfully request that this Court assess money damages against the judgment creditor and/or any party alleged by said judgment creditor to be responsible for the continuing violation of the automatic stay in an amount equal to the amount of Debtor's funds held by Compass Bank.

WHEREFORE, Humberto Vela, Jr., Debtor herein, request that:

- a. This Court hold in contempt Norma Idalia Carrillo and any party alleged by her to be responsible for the continuing violation of the automatic stay;
- b. This Court order Compass Bank that the hold on Debtor's funds be released immediately and made available to Debtor;
- c. This Court assess money damages against the judgment creditor and/or any party alleged by said judgment creditor to be responsible for the continuing violation of the automatic stay in an amount equal to the amount of Debtor's funds held by Compass Bank; and
- d. The Debtor be granted any and other relief to which he may be entitled as may be proper and just.

Respectfully submitted,

/s/ Jesse Blanco

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed to Ms. Tammy Shea, counsel for judgment creditor, at LyondellBasell Tower, 1221 McKinney Street, Suite 2900, Houston, Texas 77010 via certified mail, return receipt requested, regular US first class mail, facsimile to 832.214.3905, Email to tshea@cozen.com, and to the United States Trustee, 515 Rusk Ave., Houston, Texas 77002 via US first class mail, postage pre-paid, this 28th day of April, 2015.

/c/ Jesse Blanco

Jesse Blanco